



July 9, 2008

The Honorable Daniel K. Inouye  
Chairman  
Committee on Commerce, Science, and Transportation  
254 Russell Senate Office Building  
Washington, D.C. 20510

Dear Chairman Inouye:

The use of self-propelled semi-submersible (SPSS) vessels by transnational drug trafficking organizations (DTOs) for the purpose of transporting cocaine and other illicit cargo to the United States is an increasing threat for which there is no adequate remedy in current law. The House of Representatives addressed this issue when it passed H.R. 2830, the "Coast Guard Authorization Act of 2008," by including a section that criminalizes the operation of submersible or semi-submersible vessels without nationality. The Office of National Drug Control Policy and the Departments of Homeland Security and Justice encourage the Senate to do the same when it takes up the companion bill, S. 1892.

Operating or embarking on an international voyage in a submersible or semi-submersible vessel without nationality facilitates transnational crime, including drug trafficking and terrorism, and presents a specific threat to the safety of maritime navigation and the security of the United States. SPSS vessels are small and have limited crew requirements. They can transport up to 12 metric tons of illicit cargo at speeds of up to 8 knots, and can travel 3500 nautical miles – e.g., from the north coast of South America to the southeastern United States – without refueling. As a result, SPSS vessels are used increasingly by transnational drug trafficking organizations (DTOs) to transport cocaine to the United States.

According to the Consolidated Counter Drug Database (CCDB), 23 SPSS drug smuggling events occurred in the six years between January 2001 and September 30, 2007. In the four months between October 1, 2007 and February 1, 2008, the CCDB reported an unprecedented 27 SPSS events that successfully delivered up to 111 metric tons of cocaine. This rapid increase in SPSS smuggling events suggests that criminals are becoming increasingly emboldened by their perceived invulnerability to interdiction and prosecution under current U.S. law.

Current laws against drug trafficking are often insufficient to address this activity. To evade U.S. prosecution for drug trafficking, SPSS crews typically abandon and sink their vessels and contraband when detected by law enforcement. Although U.S. interdiction forces nearly always capture imagery of detected SPSS vessels and the crews abandoning them before they sink, attempting to access and recover contraband before a scuttled SPSS sinks is dangerous and often impossible. As a result, there is often no contraband recovered to support a criminal prosecution.

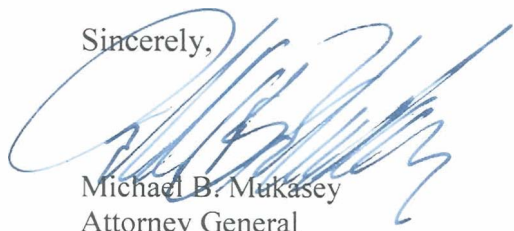
If operation and embarkation in a stateless SPSS vessel were illegal, however, U.S. interdiction forces and U.S. Attorneys would have the necessary legal tools to combat the SPSS threat even in the absence of recovered drugs or other contraband. Accordingly, criminalizing the operation of such stateless SPSS vessels on international voyages would deter the use of these inherently dangerous vessels and facilitate effective prosecution of criminals involved in this treacherous activity, without endangering officers charged with attempting to recover evidence from scuttled SPSS vessels.

Obviously, the risk posed by SPSS vessels is not limited to drug trafficking. DTOs have successfully smuggled up to twelve tons of cocaine in these vessels, and it is clear that a DTO or other criminal organization could also use these vessels for other illicit purposes, such as shipping a weapon of mass destruction or a high-profile terrorist on behalf of a terrorist organization. Consequently, criminalizing the operation of or embarkation in unregistered SPSS vessels is essential to deter their proliferation and enhance national security.

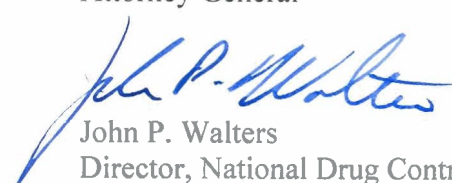
As previously noted, the House of Representatives has passed H.R. 2830, which includes section 1202, "Operation of submersible or semi-submersible vessel without nationality." This provision recognizes that unregistered SPSS vessels have no legitimate use on international voyages and present an inherent threat to the safety of maritime navigation and the security of the United States, regardless of the presence or type of contraband carried. Thus, this provision would enable the United States to prosecute those operating or embarking in unregistered SPSS vessels even when they scuttle their vessels and contraband. Because the provision reaches only stateless submersibles and semi-submersibles on international voyages, it will have no adverse effect on legitimate vessel operators or domestic hobbyists. The undersigned urge the Senate to include this provision in the companion measure, S. 1892.

We urge the 110<sup>th</sup> Congress to pass legislation swiftly that will help combat and deter this dangerous emerging threat. Whether in the Coast Guard Authorization Act, another act, or in a stand-alone bill, it is imperative to criminalize the operation of or embarkation in stateless SPSS vessels on international voyages. We would be pleased to work with your staffs and committees so that this vital legislation can be enacted and implemented this year.

Sincerely,



Michael B. Mukasey  
Attorney General



John P. Walters  
Director, National Drug Control Policy



Michael Chertoff  
Secretary, Department of Homeland Security